

## REMARKS

The Office Action mailed October 5, 2009 has been reviewed and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-8 and 10-19 are pending and stand rejected.

Claims 1 and 6 are independent claims.

Claim 6 has been amended.

Claims 6-8, 10, 11, 14, 15 and 16-19 stand rejected under 35 USC 112, first paragraph as failing to comply with the written description. Claims 1-8 and 10-19 stand rejected under 35 USC 102(e) as being anticipated by Takahashi (WO2004/059648).

With regard to the rejection of claims 6-8, 10, 11, 14, 15 and 16-19, as failing to comply with the written description, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

With regard to the rejection of claims 6-8, applicant would bring to the attention of the Office, the teaching in the specification found on page 5, lines 3-8, which states "[a] drive according to the invention can quickly detect the TDMA area in use by jumping to the Detection Area, checking the presence or absence of the high frequency (HF) indicators, and subsequently scanning only the indicated TDMA."

Thus, the specification teaches the checking of indicators within the detection area to scan the indicated areas. Applicant submits that in this case one skilled in the art would recognize that the term "checking" and "referencing" are comparable in nature and, hence, the specification provides adequate support for the subject matter recited in the claims.

Applicant would note that neither the specification nor the claims refer to "reference signals" but rather refer to the referencing (i.e., checking) of the indicators and believes that the term "reference signals" referred to in the Office Action is a misinterpretation of the subject matter claimed.

Although, applicant believes that there is sufficient disclosure regarding the claims element "referencing each of said indicators," applicant has elected to amend claim 6 to recite the term element "checking each of said indicators" to avoid any further confusion.

With regard to the rejection of claims 10, 11, 18 and 19, applicant bring to the attention of the Office, the teaching found on page 4, line 28-page 5, line 2 of the specification which states " [n]ow clusters having marks written in it have a high frequency (HF) signal present, while clusters having no marks written in it have no high frequency (HF) signal present. When none of the four clusters in the Detection Area are written, that is none of them have a high frequency (HF) indicator, then the TDMA0 is being used. In an alternative embodiment, an additional cluster is added for indicating whether or not the TDMA0 area is being used. In the example above related to the dual layer disc shown in figure 2, the Detection Area would consist of five clusters, related to the TDMA areas (0, 1, 2, 3 or 4)."

Thus, it would be recognized that when only 4 clusters (in the example provided) are used to determine which area is in use and none of the four clusters are written into, it is determine that the TDM0 is in use by implication. Furthermore, in the alterative embodiment, an additional cluster is used to determine the status of TDM0 and to determined whether TDM0 is in use. Thus, this additional cluster explicitly determinates whether TDM0 is in use.

Accordingly, when 4 clusters (in the example provided) are in use, then the determination of whether TDM0 is in use is implicit based on the non-use of the 4 other area. Whereas, when an additional cluster is incorporated, then the determination of whether TDM0 is in use is explicit based on the setting within this additional block.

Applicant submits that one skilled in the art would understand the implicit and explicit nature of determining whether the TDM0 area is in use from the different aspects of the invention disclosed.

Thus, adequate support is found in the specification to support the subject matter recited in the aforementioned claims.

For the amendments made to the claims and for the remarks, herein, applicant submits that the reason for the rejection of the claims has been overcome.

Claims 1-8 and 10-19 stand rejected under 35 USC 102(e) as being anticipated by Takahashi (WO2004/059648). In maintaining the rejection of the claims, the Office Action asserts "Takahashi discloses 'an area' 14 'that is associated' and corresponding with every at least **one** area 21/15; DMWA, which is for disc management information. Area (14) comprising signals indicating that such area for defect management information is in use, since the recording/reproducing apparatus obtains latest DMWA by associating it's corresponding area 14, Takahashi clearly specifies that recorded area 14, which when recorded implies having such signals that defines neighboring areas between the recorded latest DMWA (in use) and unrecorded DMWA (not in use)." (see OA pages6-7). (emphasis in original).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

As previously characterized, and repeated, herein, Takahashi discloses a write-once read-many (WORM) information recording medium that is capable of searching for a latest DDS and a latest defect list. At least one disc management working area is sequentially allocated in a predetermined direction on the WORM information recording medium. The latest defect list and the latest DDS are provided in a recorded disc management working area neighboring a border between the recorded disc management working area and an unrecorded disc management working area, where the latest defect list precedes the latest DDS in the predetermined location. (see Abstract).

With reference to Figure 2, Takahashi discloses a data structure of the WORM disc, wherein a plurality of defect management areas (DMA) 10, 11, 12 and 13 are shown along with a temporary management area 20. The temporary

management area 20 includes a plurality of defect management working areas 1-N, each of which is referred to as DMWA 21. Each of the defect management areas (e.g., 10) includes a disc definition structure 14 and a defect list 15 and each of the defect management working areas (e.g., #2) includes a defect list 15 and a disc definition structure 14. (see Figure 2). The DMWA 21 is used for temporarily recording defect management information which has been updated before the WORM disc is finalized. (see page 26, lines 26-21). Takahashi further discloses that the DMWA #1-#N are sequentially allocated from the beginning toward the end of the defect management area 20 (see page 27, lines 16-20). Also see page 28, lines 1-7 which state, "...the temporary defect management area 20 containing defect management working areas 21 may not be necessarily contained in the lead-in area 4. The temporary defect management area 20 may be contained in, for example, the lead-out area 6 or the spare area 17 excluding the user data area 16."

Figure 8 illustrates the filling (i.e., recording) of each DMWA in a sequential manner wherein each new filling is located at a border between a neighboring unrecorded DMWA and a recorded DMWA. (see page 40, lines 11-15). Figure 9 further illustrates a process for determining the next DMWA to be filled (i.e., next unrecorded DMWA).

In addition, Takahashi discloses that during the finalization process, the latest DMWA is then written into "each of the DMA1 to the DMA4." (see page 53, lines 1-2).

In rejecting the claims, the Office Action refers to the DDS 14 as being comparable to the claim element "an area, associated with a first one of said at least one area, comprising signals indicating which of said at least one area for storing disc management information is in use ..."

However, area 14, as disclosed by Takahashi, is an area that is associated with a specific defect management area. See for example, page 3, line 19-page 4, line 6, which state "[t]he DMA1 to the DMA4 each contain a disc definition structure (...DDS) 14 and a defect list (...DFL) 15, where the DDS 14 precedes

the DFL 15. ... The DDS 14 contains defect list beginning positional information indicating the position of the DFL 15 and the like." (see Figure 2).

In addition, Takahashi discloses in Figures 11 and 12, further illustrates the incorporation of a DDS block in each of the DMWA blocks. The DDS blocks provide positional information of the DFL within the DMWA. See, for example, Figure 11, which illustrates the DDS#1 providing positional information of the successfully recorded DFL#1, which is not at the beginning of the corresponding DMWA block (DMWA #1) and DDS#2 providing positional information of the successful recording DFL#2, which begins at the beginning of the DMWA#2 block.

The DDS 14 disclosed by Takahashi includes only information associated with the associated DMA or the DMWA containing the DDS. The fact that the DDS 14 is recorded does not present any teaching, whether implicit or explicit, regarding another block.

Accordingly, Takahashi fails to provide any teaching or disclosure that the DSS 14 of a DMA includes information associated with a second DMWA 21 from which it may be determined that the second DMWA 21 is in use (i.e., claim element "signals indicating which of said at least one area for storing disc management information is in use").

Thus, with reference to Figure 12, the DSS 14 associated with first defect management area 10, for example, cannot be used to determine whether second defect management area 11 is in use.

Hence, the DDS 14 disclosed by Takahashi cannot be comparable to the claim element "an area, associated with a first one of said at least one area, comprising signals indicating which of said at least one area for storing disc management information is in use, each of said signals being related to a corresponding one of said at least one area for storing disc management information " as Takahashi fails to disclose the DDS 14 area including any signals or information related to corresponding ones of the at least one area from which it may be determined which of the at least one areas is in use as DDS 14 only includes information regarding its own area.

In addition, even if it were argued that Takahashi teaches a system that includes a first area (e.g., DMA 10 Figures 1 and 12 and the DSS 14 associated therewith), the illustrated DSS 14 is not comparable to the area recited in the claims as the illustrated DDS 14 fails to include signals from which it may be determined which of the at least one areas (i.e., 11, 12, and 13) is in use.

Hence, Takahashi fails to provide any teaching regarding "an area, associated with a first one of said at least one area, comprising signals indicating which of said at least one area for storing disc management information is in use, each one of said signals being related to a corresponding one of said at least one area for storing disc management information," as is recited in the claims.  
(emphasis added).

A claim is anticipated if and only if each and every element is recited in a single prior art reference.

In this case, Takahashi cannot be said to anticipate the subject matter recited in claims 1 and 6, as Takahashi fails to disclose at least one material element recited in these claims.

With regard to the remaining claims, these claims are dependent from the independent claims and, hence, these remaining claims are also allowable by virtue of their dependency upon an allowable base claim.

For the amendments made to the claims and the remarks made herein, applicant submits that all the claims are allowable and respectfully requests that a Notice of Allowance be issued.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.  
However, the Examiner is authorized to charge Deposit Account No. \_\_\_\_\_, if any fees are necessary.

Respectfully submitted,  
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